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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/256,896	02/24/1999	ALEXANDER THOEMMES	30566.60US01	1431

22462 7590 08/28/2002

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EXAMINER
YANG, RYAN R

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/256,896	Applicant(s) THOEMMES ET AL.	
	Examiner Ryan R Yang	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-37 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-37 are pending in this application. Claims 1, 13, 24, 35 and 36 are independent claims. This action is non-final.

2. The present title of the invention is "Acquiring and unacquiring alignment and extension points".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 6-11, 13, 14, 18-22, 24, 25, 29-33 and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimble (6,031,531).

As per claim 1, Kimble discloses a method of acquiring a data point of interest on an object, comprising the steps of:

accepting a command to move a cursor near the data point (Figure 7 152); and

acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 164, "By "dwelling on the icon/object (i.e., by not utilizing a switch or moving the cursor), the function associated with the icon/object upon which the cursor is "dwelling" is automatically activated", column 9, line 34-37).

6. As per claim 2, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra, and further discloses the pause time is user-selectable ("The dwell time threshold may be adjusted by the user when configuring this particular feature", column 9, line 37-38).

7. As per claim 6, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra, and further discloses the step of acquiring the data point after the cursor remains near the data point for an acquisition pause time comprises the step of acquiring the data point after the cursor remains within an acquisition distance of the data point for an acquisition pause time (Figure 7 154).

8. As per claim 7, Kimble demonstrated all the elements as applied in the rejection of claim 6, supra, and further discloses the acquisition distance is determined according to a parameter selected from a group comprising magnification of a view of the object; and

an object type ("The amount of cursor movement necessary to trigger the hop can be adjustable by the user", column 9, line 24-26).

9. As per claim 8, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra, and further discloses the step of annotating the acquired data point with an acquisition indicator ("The icon is "magnetized" such that an area outlined by icon domain 65, with a diameter of perhaps two inches ... surrounds icon 70", column 7, line 33-37).

10. As per claim 9, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra, and further discloses the step of unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time ("the concept of "demagnetizing" an icon/object may be implemented", column 10, line 10-11).

11. As per claim 10, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra, and further discloses the steps of:

accepting a command to move the cursor away from near the data point (Figure 7 152);

accepting a command to move the cursor near the data point (Figure 7 152); and

unacquiring the data point after the cursor remains near the data point for the unacquisition pause time ("the concept of "demagnetizing" an icon/object may be implemented", column 10, line 10-11).

12. As per claim 11, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra.

As for "the unacquisition pause time is a different value than the acquisition pause time", the requirement is inherent since the pause times need to be different to differentiate from the acquiring time.

13. As per claim 13, Kimble discloses an apparatus for acquiring a data point of interest on an object, comprising:

means for accepting a command to move a cursor near the data point (Figure 7 152); and

means for acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 164).

Regarding the "means plus function" language, the means refer to the software methods executed on generically disclosed hardware explicitly disclosed by Kimble. It is further noted that both software and hardware means are functionally equivalent.

14. As per claims 14 and 18-22, these are directed to an apparatus for performing the method of dependent claims 2 and 6-10, and therefore are identically rejected to claims 2 and 6-10, respectively.

Regarding the "means plus function" language, the means refer to the software methods executed on generically disclosed hardware explicitly disclosed by Kimble. It is further noted that both software and hardware means are functionally equivalent.

15. As per claim 24, Kimble discloses a program storage device (Figure 2 50), readable by a computer, tangibly embodying at least one program of instructions executable by the computer to perform method steps of acquiring a data point of interest on an object (Figure 2 51), the method comprising the steps of:

accepting a command to move a cursor near the data point (Figure 7 152); and

acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 124).

16. As per claims 25 and 29-33, these are directed to a program storage device, readable by a computer, since Kimble's disclosure contain memory and control program (Figure 2 50 and 51), therefore they are identically rejected as claims 2-10, respectively. As per claim 35, Kimble discloses a method of unacquiring an acquired data point, comprising the steps of:

accepting a command to move a cursor near the acquired data point (Figure 7 152); and

unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time ("the concept of "demagnetizing" an icon/object may be implemented", column 10, line 10-11).

17. As per claim 36, Kimble discloses a method of acquiring a data point of interest on an object, comprising the steps of:

accepting a modifier command ("The amount of cursor movement necessary to trigger the hop can be adjustable by the user", column line 24-26); and

acquiring the data point after a command is received to move a cursor near the data point (Figure 7 152 and 154).

18. As per claim 37, Kimble demonstrated all the elements as applied in the rejection of independent claim 36, supra, and further discloses the data point is acquired after the cursor remains near the data point for an acquisition pause time (Figure 7 164).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 3-5, 12, 15-17, 23, 26-28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimble as applied to claim 1 above, and further in view of Newell et al. (5,123,087).

As per claim 3, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra.

It is noted that Kimble does not explicitly disclose a linear entity, however, this is known in the art as taught by Newell et al., hereinafter Newell. Newell discloses an interactive method in which the graphic object is a linear object (Figure 2A 201).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Newell into Kimble because Kimble discloses automatic snapping of the object with a curser dwell within a range of the range for a time period and Newell disclose the object can be a linear object in order to make the application more versatile.

21. As per claim 4, Kimble and Newell demonstrated all the elements as applied in the rejection of dependent claim 3, supra, and Newell further discloses the step of

accepting a command to move the cursor away from the data point to extend the linear entity (Figure 10B 1003).

22. As per claim 5, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra.

Kimble discloses automatic snapping of the object with a curser dwell within a range of the range for a time period. It is noted that Kimble does not explicitly disclose the data point is selected from a group comprising: an endpoint; a midpoint; a node; a closest quadrant point; an insertion point; a point on a line tangent to the object; and a point on a line that forms a normal from the object, however, this is known in the art as taught by Newell. Newell discloses a computer based solid modeler in which points are used to define an object ("Interesting points are any geometric entity, parameter, or location which is of interest to the draftsman; types include midpoints, endpoints, intersections, vertices, tangents, perpendiculars, arc centers, and arc quadrant points", column 4, line 45-49).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Newell into Kimble because a method of snapping an object and Newell discloses ways to define an object to make the object more versatile.

23. As per claim 12, Kimble demonstrated all the elements as applied in the rejection of independent claim 1, supra.

Kimble discloses automatic snapping of the object with a curser dwell within a range of the range for a time period, it is noted that Kimble does not disclose the step of "accepting a command to move the cursor near a second data point on a second object;

acquiring the second data point after the cursor remains near the second data point for the acquisition pause time; and aligning the first object and the second object according to the acquired first data point and the acquired second data point, however, this is known in the art as taught by Newell et al., hereinafter Newell. Newell discloses an alignment method by selecting two intended object (see Figure 20S).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Newell into Kimble in order to align two objects.

24. As per claims 15-17 and 23, these are directed to an apparatus for performing the method of dependent claims 3-5 and 12, and therefore are identically rejected to claims 3-5 and 12, respectively.

Regarding the "means plus function" language, the means refer to the software methods executed on generically disclosed hardware explicitly disclosed by Kimble and Newell. It is further noted that both software and hardware means are functionally equivalent.

25. As per claims 26-28 and 34, these are directed to a program storage device, readable by a computer, since Kimble's disclosure contain memory and control program (Figure 2 50 and 51), therefore they are identically rejected as claims 3-5 and 12, respectively.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang
August 16, 2002

JEFFERY BRIER
PRIMARY EXAMINER